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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,529	01/16/2004	Minoru Tsuchida	03280091AA	5605

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EXAMINER

PAHNG, JASON Y

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,529

Applicant(s)

TSUCHIDA, MINORU

Examiner

Jason Y. Pahng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-9 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 24, 2006 has been entered.

Specification

The disclosure is objected to because of the following informalities: It appearst that the phrase, "The, a dry distillation" (page 3), should be corrected to "The dry distillation."

Claim Objections

Claim 19 is objected to because of the following informalities: It appears that the word "dray" in line 2 should be corrected to "dry."

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15 and 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With regard to claim 15, there is no disclosure of pressing a waste car body and then dismantling engine and battery in the specification.

With regard to claim 18, there is no disclosure of non-reducing atmosphere in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 10, there is no antecedent basis for "the composite waste that has been pressed" in line 5. Also, is the pressing performed in order to manufacture distilled residuals or is the pressing performed in order to decrease the outer dimension?

With regard to claim 19, which process is simultaneously applied to the distilled residuals while dry distillation is applied? Or, which element is simultaneously

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subjected to the dry distillation process along with which element? Which element is in a common distillation pot with the distilled residuals?

With regard to claim 20, there is no antecedent basis for "the composite waste that has been pressed" in lines 4 and 5. Also, is the pressing performed in order to manufacture distilled residuals or is the pressing performed in order to decrease the outer dimension?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 10, 11, 13, 14, and 16-19, as well as can be understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber (US 4,376,373) in view of Ueno et al. (US 6,336,601) and Sharp et al. (US 3,266,413).

With regard to claims 1-5, 10, 11, 13, 14, and 16-19, as well as can be understood, Weber discloses a heat treatment process for incinerating composite waste comprising an automobile (column 5, lines 18-24), but does not recite a dry distillation process. In a closely related art, Ueno discloses a heat treatment process which is a dry distillation process (column 1, lines 18-21) carried out in a heating furnace or a common pot under a temperature of 250 degrees (column 3, lines 55-60) including a first coarse shredding step and a second fine shredding step (column 9, lines 7-12) in

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order to improve recycling composite waste by manufacturing distilled residuals.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Weber with a dry distillation process in order to improve recycling composite waste by manufacturing distilled residuals, as taught by Ueno.

With regard to claims 1, 5, and 14, Weber discloses a scrap automobile, but does not recite that it is a rectangular parallelepiped shape. In a closely related art, Sharp discloses a pressed composite waste comprising an automobile which is in a rectangular parallelepiped shape (column 1, lines 50-59) in order to reduce transportation cost (column 1, lines 26-39). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Weber (as modified by Ueno) with a pressed composite waste comprising an automobile which is in a rectangular parallelepiped shape in order to reduce transportation cost, as taught by Sharp. With regard to claim 1, Sharp's automobile is pressed (column 1, lines 50-59).

Claims 2 and 11 call for a further shredding process following the distillation process and a separating process. Ueno discloses a dry distillation process (column 1, lines 18-21) followed by a shredding process (column 7, line 33) in order to separate the shredded composite waste into combustible carbide and incombustibles (column 1, lines 15-22). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Weber (as modified above) with a shredding process following the distillation process in order to separate the shredded composite waste into combustible carbide and incombustibles, as taught by Ueno.

With regard to claims 3 and 12, Ueno discloses a coarse shredding process and a fine shredding process for the shredding process (column 9, lines 8-12).

Claim 16 calls for separating metals from shredded residuals. Ueno discloses separating metals from shredded residuals (column 7, lines 34-36) in order to recycle metals. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Weber (as modified) with separating metals from shredded residuals in order to recycle metals, as taught by Ueno.

Claim 17 calls for the separated metals to include iron, aluminum, stainless steel, and copper. Examiner takes an Official Notice that separating metals including iron, aluminum, stainless steel, and copper from shredded automobile recycling material in order to recycle the metals is obvious to an ordinary skill in the art. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to teach Weber (as modified) to separate metals including iron, aluminum, stainless steel, and copper from shredded automobile recycling material in order to recycle the metals, as such is well known and obvious in the art.

Claim 15, as well as can be understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Weber (US 4,376,373) in view of Ueno et al. (US 6,336,601) and Sharp et al. (US 3,266,413) as applied above, further in view of Applicant's Admitted Prior Art (AAPA). Claim 15 calls for dismantling engine, battery, tires, fuel tank and suspension from a waste car body. AAPA discloses dismantling engine, battery, tires, fuel tank and suspension from a waste car body in order to prepare for recycling process (page 2). Therefore, it would have been obvious to one skilled in the

art at the time the invention was made to provide Weber (as modified by Ueno and Sharp) with dismantling engine, battery, tires, fuel tank and suspension from a waste car body in order to prepare for recycling process, as taught by AAPA.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno et al. (US 6,336,601) in view of Becher (US 6,141,945) and Murata (US 6,086,000). Ueno discloses a method of processing composite waste including combustibles and incombustibles, the composite waste having an outer dimension including performing a dry distillation process on the composite waste and performing shredding of the residuals. Ueno does not disclose use of composite waste that has been pressed. In a closely related art, Becher discloses compacting composite waste in order to reduce conveying expenses (column 2, lines 63-67). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Ueno with use of composite waste that has been pressed in order to reduce conveying expenses, as taught by Becher.

With regard to performing a first coarse shredding of recycling material to perform a first separation and a second fine shredding of the recycling material to perform a second separation to separate metals, Murata discloses performing a first coarse shredding of recycling material to perform a first separation and a second fine shredding of the recycling material to perform a second separation to separate metals in order to separate a variety of valuable materials (column 3, line 60 – column 4, line 23). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Ueno with performing a first coarse shredding of recycling material

to perform a first separation and a second fine shredding of the recycling material to perform a second separation to separate metals in order to separate a variety of valuable materials including metal, as taught by Murata.

With regard to the separation of glass and carbide produced by the dry distillation step, Ueno discloses glass material (column 10, lines 47-49) and carbide material (column 26, lines 12-19). Additionally, Murata also discloses crushing and separating glass (column 3, lines 35-45).

Allowable Subject Matter

Claims 6-9 are allowed.

Response to Arguments

Applicant's arguments filed January 24, 2006 have been fully considered but they are not persuasive.

With regard to claim 1, Applicant argues that there is no motivation to combine the references of Weber, Ueno, and Sharp. This is not true. Motivation has been provided in the last Office action regarding the rejection of claim 1. Furthermore, Applicant has not indicated any supposed errors in Examiner's motivations.

With regard to claim 1, Applicant argues that Ueno does not perform the press process, Sharp does not perform the distillation process, and Weber performs neither of them. However, the claim 1 has been rejected under 35 U.S.C. 103. The combined

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references of Weber, Ueno, and Sharp discloses the press process and distillation process.

With regard to claim 3, the argument is moot because a new rejection has been applied.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y. Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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